



Notifiable Events Policy

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Last review: June 2023

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Our Vision, Our Values, Our Strategic Objectives

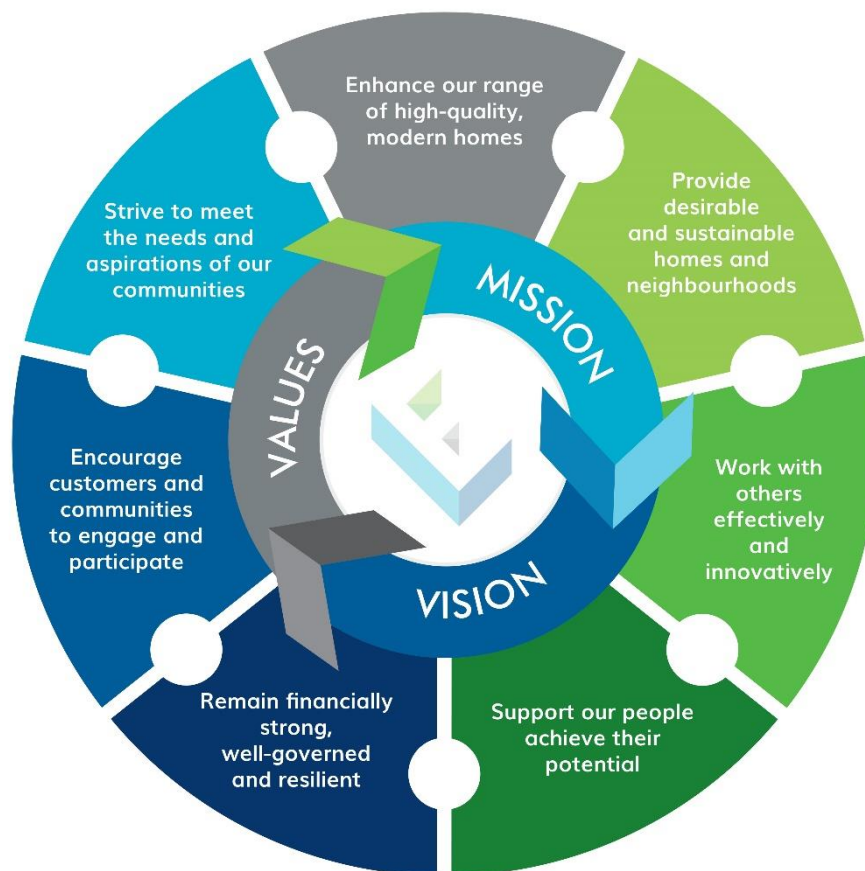
Our Vision

A vibrant neighbourhood where everyone can prosper.

Our Values

Caring, Reliable, Fair, Open and Adaptable

Our Strategic Objectives



Equality and Diversity Statement

Elderpark Housing are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality and Diversity Policy.

We will regularly review this Policy and consider any equalities implications taking the necessary action to address any inequalities (either directly or indirectly) that result from the implementation of this Policy.

Executive Summary

Policy Author

This policy had been developed by the CEO, supported by the GCM using the Scottish Housing Regulators (SHR) guidance on Notifiable Events.

Purpose of the Policy

The purpose of this policy is to set out the events that Elderpark Housing should tell the SHR about. It explains why the SHR has a regulatory interest in these events, what they require Elderpark Housing to notify them about, and what they will do with the information we provide. The policy also sets out the roles and responsibilities of the CEO and Management Committee in notifying the SHR.

Aims and Objectives of the Policy

The aims and objectives of this policy are to ensure Elderpark Housing has a robust framework in place to ensure regulatory requirements in relation to Notifiable Events are met at all times and any events arising are submitted to the SHR in accordance with the guidance issued. The policy further sets out to ensure any Notifiable Events that do occur are managed effectively and safeguard the association, its tenants and service users from any negative effects resulting from any events.

Legislative and Regulatory Compliance

The SHR Regulatory Framework 2019 sets out its regulatory requirements in Chapter 3 of the Framework, stating RSL's must comply with, and submit information to us in accordance with, our guidance on notifiable events and must also comply with the Standards of Governance and Financial Management. The Housing (Scotland) Act 2010 also requires that Elderpark Housing notify the SHR about certain disposals of land and assets, and constitutional and organisational changes. The Standards of Governance and Financial Management relevant to this policy are;

Regulatory Standard 2 (RS2) – *'The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.'*

Guidance 2.5: *'The RSL is open, co-operative, and engages effectively with all its regulators and funders, notifying them of anything that may affect its ability to fulfil its obligations. It*

informs the Scottish Housing Regulator about any significant events such as a major issue, event or change as set out and required in notifiable events guidance.'

Regulatory Standard 5 (RS5) – *'The RSL conducts its affairs with honesty and integrity.'*

Guidance 5.1: *'The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.'*

Guidance 5.2: *'The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.'*

Guidance 5.6: *'There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.'*

Equalities

The SHR requires the association to have assurance and evidence that it considers equality and human rights issues when making all of its decisions and any equalities impacts arising from a notifiable event would be considered prior to any submission being made to the SHR to ensure full transparency when making a submission.

Listed in the examples of notifiable events which must be submitted to the SHR relating to equalities is;

- *'Potentially serious breaches of statutory or common law duties by the RSL, including equalities and human rights duties, whether or not these have resulted in the submission of a claim or a legal challenge.'*

An equalities impact assessment has been carried out for this policy and is attached as [Appendix 3](#).

Privacy

The Association handles the personal data we use in line with our obligations under data protection legislation and the association's Data Protection Policy. Information about how we handle personal data and the legal basis for processing personal data is available through the associations Transparency Statements.

A GDPR impact assessment has been carried out for this policy and is attached as [appendix 4](#).

Related Policies

Policy Title	Location
Whistleblowing Policy	V:\Elderpark Policy Suite\Governance Policies\G24 Whistleblowing Policy.pdf
Code of Conduct Management Committee	V:\Elderpark Policy Suite\Governance Policies\G4 Code of Conduct Management Committee.pdf
Code of Conduct Employees	V:\Elderpark Policy Suite\Governance Policies\G3 Code of Conduct Employees.pdf
Equality & Diversity Policy	V:\Elderpark Policy Suite\Governance Policies\G13 Equality and Diversity Policy.pdf
Disciplinary Policy	Under review
Data Protection Policy	V:\Elderpark Policy Suite\Governance Policies\G33 Data Protection Policy.pdf

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1. Introduction

- 1.1 This policy is based on guidance issued by the Scottish Housing Regulator (the SHR) and it sets out the events that Elderpark Housing should tell the SHR about. It explains why the SHR has a regulatory interest in these events, what they require Elderpark Housing to notify them about, and what they will do with the information we provide.
- 1.2 The SHR are interested in events which may put at risk:
 - the interests or safety of tenants, people who are homeless and other service users;
 - the financial health of Elderpark Housing, public investment in Elderpark Housing or the confidence of lenders; or
 - the good governance and reputation of Elderpark Housing or the Registered Social Landlord (RSL) sector.
- 1.3 The Housing (Scotland) Act 2010 also requires that Elderpark Housing notify the SHR about certain disposals of land and assets, and constitutional and organisational changes.
- 1.4 Elderpark Housing must comply with the SHR's statutory guidance in order to meet the regulatory requirements in chapter 3 of the Regulatory Framework and to meet their obligations under the Act.
- 1.5 The SHR's approach to regulation is risk-based and proportionate. This means that they will gather only information that they need to regulate effectively. The Association is responsible for alerting the SHR to important events that pose a significant risk in a timely manner and must also comply with its wider statutory duties, including those duties which are set out in the 2010 Act.
- 1.5 Standard 2.5 of the Standards of Governance and Financial Management requires Elderpark Housing to inform the SHR about any significant events. This policy sets out what type of events Elderpark Housing must tell the SHR about.

2. What are Notifiable Events?

- 2.1 Elderpark Housing must tell the SHR about any material, significant or exceptional issue, event, or change within the organisation and how we intend to deal with it, or where appropriate provide them with a reasonably detailed explanation as to why a significant change has been implemented.
- 2.2 The lists in [Appendix 1](#) provide examples of the type of notifiable events Elderpark Housing must immediately notify the SHR about. The lists are illustrative rather than exhaustive. As a general guideline, notifiable events are those that may:

- Seriously affect the interests and safety of tenants, people who are homeless or other service users;
 - Threaten the stability, efficient running or viability of service delivery arrangements.
 - Put at risk the good governance and financial health of Elderpark Housing.
 - Bring Elderpark Housing into disrepute or raise public or stakeholder concern about Elderpark Housing or the social housing sector.
- 2.3 The SHR recognises that what is ‘material’, ‘significant’ or ‘exceptional’ will depend on the nature of the event and the particular RSL. Whether an event is ‘material’ or ‘significant’ may depend on factors such as the size or complexity of Elderpark Housing’s operation; therefore Elderpark Housing will consider the risk and potential impact on the organisation when deciding whether an issue is a notifiable event. Elderpark Housing will contact the SHR for guidance where we are unsure if something needs to be reported.
- 2.4 Elderpark Housing must consider the impact of the issue or event on our compliance with the Standards of Governance and Financial Management and other regulatory requirements, including compliance with our legal obligations. Elderpark Housing must notify the SHR of any material changes to the assurances or supplementary information reported in our Annual Assurance Statement.
- 2.5 [Appendix 2](#) explains when Elderpark Housing needs to notify the SHR about certain disposals, constitutional and organisational changes, and the timescales for notification.

3. Who should notify the SHR?

- 3.1 The Chief Executive will tell the SHR about a notifiable event which relates to performance and service delivery issues or financial and funding issues.
- 3.2 The Chairperson will tell them when the notifiable event relates to a governance or organisational issue, for instance if the Chief Executive has left or if there are concerns about the Chief Executive or the Management Committee. The Chairperson must also tell the SHR about any changes relating to the Annual Assurance Statement. A staff member who is authorised to do so can notify the SHR in relation to the disposals and changes set out in [Appendix 2](#).
- 3.3 The Management Committee of Elderpark Housing is accountable and responsible for the effective management of the organisation. We will therefore ensure that the Management Committee will be aware of all notifiable events and events which we have considered may be notifiable, even those which the Chief Executive is responsible for reporting. All Management Committee meetings will include a standing agenda item on notifiable events in order to ensure that Management Committee have the opportunity to raise notifiable events and are aware of them when they occur. This process will also be set out in the Standing Orders Policy under ‘Delegated Authority’.

3.4 In some cases Elderpark Housing may need to notify other organisations of a notifiable event, for instance our lenders, OSCR or ICO dependent on the issue identified.

4. What information the SHR needs and how it is submitted

4.1 Elderpark Housing will submit a notifiable event through the SHR's Landlord Portal ('the portal'). The portal includes a template to be completed which sets out the type of information the SHR needs about each event. The SHR need to know:

- what the significant event, disposal or change is;
- when it happened or is likely to happen;
- who is involved and/or affected;
- whether there are equalities or human rights implications and how Elderpark Housing is ensuring it meets its legal duties in these areas;
- what Elderpark Housing is planning to do or what action it has already taken; and
- when the Management Committee was informed / will be informed.

4.2 For notification of disposals, and constitutional or organisational changes, Elderpark Housing will include details of when the Management Committee took the decision, and, where appropriate, confirmation that Elderpark Housing's tenants and members were consulted in accordance with the requirements of the Act (and in accordance with any other relevant legislation or with Elderpark Housing's Rules). Where the issue required a tenant ballot, information about the turnout and result will be included.

4.3 When the SHR receive the notifiable event through the portal they will aim to respond within eight working days with the Chief Executive being responsible for informing the Management Committee of the response.

5. When should we notify the SHR?

5.1 Elderpark Housing will alert the SHR to a notifiable event as soon as is reasonably practical. Sometimes this will mean alerting them before an anticipated event happens so that they are aware in advance. There should be no delay, for instance, until after a scheduled Management Committee meeting. Where a major incident occurs, we will alert the SHR as soon as possible and not wait until the event has been concluded.

5.2 Elderpark Housing will contact the SHR where we have any uncertainty whether an event is notifiable. We will seek the advice of the SHR in assessing whether it is notifiable.

5.3 Elderpark Housing recognises the importance of accuracy in completion of our Assurance Statement and notifying the SHR of any matters that may affect our ongoing compliance with the Standards of Governance and Financial Management and Regulatory Requirements. We understand that the SHR will treat matters seriously where we fail to tell them about a material or significant event or issue, or we have delayed notifying them of a matter.

- 5.4 The SHR will engage directly with Elderpark Housing to determine any action they may need to take. Where Elderpark Housing's regulatory status is shown as 'compliant', the SHR may amend this to indicate that it is 'under review'. The SHR sets out how it will respond to serious concerns about an RSL in Chapters 6 and 7 of the Regulatory Framework.
- 5.5 The SHR may look at whether Elderpark Housing has notified them in accordance with the SHR's Statutory Guidance on Notifiable Events as part of their work to verify our Annual Assurance Statement, or during a visit or other engagement activity.
- 5.6 Further information on the SHR's timescales for notifications of disposals and constitutional changes is provided in [Appendix 2](#).

6. What the SHR will do with the information we provide?

- 6.1 The SHR recognises that Elderpark Housing and other RSLs are responsible for managing their own organisation and for dealing with the events that occur. Requiring RSLs to tell the SHR about certain events does not transfer that responsibility for dealing with the implications of the event to the SHR. The SHR expects Elderpark Housing to have an effective strategy in place to deal with the event, and they need to be satisfied that the action we have taken, or intend to take, will protect the interests of tenants and other service users.
- 6.2 If the SHR has concerns about our strategy to deal with the event, we will seek their views on what they expect us to do to allay their concerns.
- 6.3 The SHR may inform, or ask Elderpark Housing to inform, another regulator or authority if that is appropriate. The SHR may also ask Elderpark Housing to get professional or impartial advice, for instance, legal, financial, or employment advice. Depending on the nature of the event, Elderpark Housing will consider whether there are any matters that we need to report to the police. The SHR will also report matters to the police if they suspect that an offence may have been committed.
- 6.4 The Statutory Guidance states that the SHR will respect confidentiality where information has been provided in confidence, provided it does not compromise their ability to safeguard the overall interests of Elderpark Housing's tenants or the sector, or breach the SHR's legal obligations, for example, under the Data Protection Act and General Data Protection Regulation (GDPR) or where they are concerned that an offence may have been committed.

7. Our Policies and Procedures

- 7.1 Our other relevant policies and procedures will reflect the requirement to alert the SHR to notifiable events in accordance with this policy. Our senior staff and Management Committee members understand the notifiable events requirement and assure themselves, and the SHR, that Elderpark Housing is complying with this

through our Annual Assurance Statement.

- 7.2 If a Elderpark Housing staff member, or Management Committee member is aware of a notifiable event which has not been submitted to the SHR, they should report this through our whistleblowing policy. If that is not possible, or the attempt to report internally has been unsuccessful, they can whistleblow to the SHR.

8. Non-compliance

- 8.1 Where an employee is aware of a notifiable event, but failed to follow procedure to bring this to attention, this may be dealt with in accordance with the associations Disciplinary Policy.

9. Links to other Guidance

- 9.1 **Notifiable Events:** Statutory Guidance on Notifiable Events has been published by the SHR, which this policy closely reflects. Tenant Consultation and Approval: The SHR have produced Statutory Guidance on tenant consultation and approval for RSLs proposing to, for example, sell or transfer tenanted homes, which require an RSL to consult tenants under the Housing (Scotland) Act 2010.
- 9.2 **Whistleblowing:** The SHR has produced advisory guidance and a fact sheet about how RSLs should deal with whistleblowing events. Whistleblowing is when someone within an RSL believes that there has been improper conduct in the organisation and reports to someone within the RSL who is in a position to deal with it. If there has been a whistleblowing incident within the Association, it is a regulatory requirement that we notify the SHR about the allegations and tell them how we are responding to them.
- 9.3 **Section 72:** The SHR has produced Statutory Guidance on Section 72 of the Housing (Scotland) Act 2010. This places a duty on external auditors and reporting accountants to disclose events of material significance to the SHR. If the Association 8 is aware that an auditor has reported an issue to the SHR under Section 72, we do not need to report this issue as a notifiable event. The SHR will ask the Association for any additional information if they require it.
- 9.4 **Group Structures and Constitutional Partnerships:** The SHR have produced separate Statutory Guidance on Group Structures and Constitutional Partnerships for RSLs that are part of a group structure and RSLs which are considering joining or setting up a group structure.
- 9.5 **Annual Assurance Statement:** The SHR have issued Statutory Guidance for RSLs on how to prepare their Annual Assurance Statement. This includes guidance on how to report any material and significant non-compliance with the Standards of Governance and Financial Management and regulatory requirements.

10. Policy Review

- 10.1 This policy will be reviewed at least every five years. An earlier review will be conducted where required on the instruction of the Management Committee or updated guidance on notifiable events produced by the SHR.

Appendix 1 - Examples of Notifiable Events

Governance and organisational issues:

- Any material change to the assurances and supplementary information contained in Elderpark Housing's Annual Assurance Statement
- The membership calls a special general meeting
- Removal of any governing body member by Elderpark Housing
- Resignation of governing body members for non-personal reasons
- The membership of the governing body falls, or is going to fall, to seven or below
- Serious complaint, allegation, investigation, or disciplinary action about a governing body member
- A breach of Elderpark Housing's code of conduct by management committee members
- Resignation or dismissal of the Elderpark Housing's senior officer
- Severance payment to and/or settlement agreement with a staff member
- Serious complaint, allegation, investigation, or disciplinary action about the senior officer (see Appendix 3).
- The senior officer is absent (or partially absent) for an extended period of time
- Receipt of intimation that a claim has been submitted to an employment tribunal
- Major change or restructuring within Elderpark Housing
- Plans to set up a non-registered subsidiary
- Potentially serious breaches of statutory or common law duties by Elderpark Housing, including equalities and human rights duties, whether or not these have resulted in the submission of a claim or a legal challenge
- Any legal proceedings taken against Elderpark Housing which may have significant consequences for Elderpark Housing in the event of success
- Serious issue regarding a parent, subsidiary or connected organisation
- A dispute with another member of an alliance, consortium or non-constitutional partnership which may have significant consequences for Elderpark Housing
- Whistleblowing allegations

Performance and service delivery issues:

- Any incident involving the Health & Safety Executive or a serious threat to tenant safety; or where a regulatory or statutory authority, or insurance provider, has advised Elderpark Housing of concerns for example the Fire Brigade, etc
- Serious accidental injury to, or the death of a tenant in their home or communal areas:
- Where there has been a service failure by Elderpark Housing; or
- Where there has been a failure, or perceived failure, in how Elderpark Housing has assessed and managed risk; or
- Which could potentially affect other tenants' confidence in Elderpark Housing or the Elderpark Housing's reputation

- Major failure of key service delivery arrangements (for example, repairs cannot be carried out because a contractor goes into liquidation)
- Breaches of ballot commitment to tenants or of any stock transfer contractual agreement
- Adverse reports by statutory agencies, regulators, inspectorates (or similar) about Elderpark Housing (for example a Care Inspectorate report with a 'weak' or 'unsatisfactory' grade or an upheld Care Inspectorate complaint)
- Any significant natural disaster for example, fire, flood or building collapse which affects Elderpark Housing's normal business
- Serious or significant adverse media reports or social media interaction, which could potentially affect tenants' confidence in Elderpark Housing or that is damaging to the reputation of Elderpark Housing.

Financial and funding issues:

- Fraud or the investigation of fraud either internally, by the Police or by an external agency or organisation
- Breach or potential breach of any banking covenants
- Serious financial loss; actual or potential
- Default or financial difficulties of major suppliers or service providers
- Any material reduction in stock or asset values; actual or potential
- Serious concern raised by lenders or auditors
- Serious and imminent potential cash flow issue
- Proposed assignation or transfer of the existing lender's security to another lender
- Notification of the outcome of an adverse financial assessment of the RSL or its parent/subsidiaries/related companies/connected bodies from Pensions Trustees
- Change of internal or external auditor

Please note this list is illustrative, not exhaustive

Appendix 2 - Notification of disposals, constitutional and organisational change

The Housing (Scotland) Act 2010 (the Act), as amended by the Housing (Amendment) Act 2018, requires Elderpark Housing to notify the SHR of certain disposals, constitutional and organisational changes.

Disposal of land and assets

The Act requires Elderpark Housing to notify the SHR of any disposal of land or other assets as soon as reasonably practicable after the disposal is made. Where a tenant who has an SST will become the tenant of another landlord as a result of the disposal, Elderpark Housing must notify the SHR within 28 days.

The Act provides for the SHR to determine when they want to be notified and when to dispense with this requirement. The following is the SHR's determination.

Elderpark Housing must notify the SHR of:

- disposals by way of sale of tenanted social housing dwellings (and ensure that they comply with CHA's legal obligations to consult tenants under sections 115, 115A and 115B of the Act);
- disposals by way of granting security over social and non-social housing dwellings land or other assets;
- disposals by way of sale or excambion of untenanted social and non-social housing dwellings, land or other (including non-residential) assets over €120,000;
- disposals by way of lease of social housing dwellings to support new funding arrangements;
- disposals by way of lease of roof space of residential, tenanted properties for renewable energy sources (e.g. solar panels) or telecommunications (e.g. aerials) (and ensure that they comply with Elderpark Housing's legal obligations to consult tenants under s110 of the Act); and
- disposals by way of lease of residential property to an RSL, group subsidiary or any other body for Market or Mid Market Rent or other non-social housing purposes;
- any other disposals not listed above which could have significant implications for tenants or other service users.

Elderpark Housing does not need to notify the SHR of disposals which do not fall into the categories above. If Elderpark Housing is unsure whether notification applies, we will contact the SHR for further advice.

Constitutional and organisational changes

Elderpark Housing must notify the SHR in relation to the following constitutional and organisational changes:

- change of name, office or constitution (s92 of the Act);
- restructuring a society (s97) or company (s101);
- voluntary winding up or dissolution of a society (s98-99)
- converting a company into a registered society (s102)
- entering into a company voluntary arrangement (s103)
- voluntary winding up of a company (s104)
- becoming a subsidiary of another body (s104A).

The timescales for notification are set out in the Act and summarised below. Elderpark Housing must ensure that they comply with these requirements.

Type of disposal/ change (and section of the 2010 Act)	Timescale for notification
The outcome of tenant consultation (s115, s98, s99, s102)	As soon as reasonably practicable. We consider 'as soon as reasonably practicable' to be within 10 working days.
Change of name, office or constitution (s92)	Within 28 days of when the amendment is made.
Special resolution passed by a society for restructuring (s97)	As soon as reasonably practicable after sending a copy of the special resolution to the Financial Conduct Authority. Where s96A applies (where a tenant of Elderpark Housing will cease to be a tenant of Elderpark Housing) SHR must be notified within 28 days of the special resolution being sent to the Financial Conduct Authority.
Voluntary winding up of society (s98)	As soon as reasonably practicable after sending a copy of the resolution to the Financial Conduct Authority.
Dissolution of society (s99)	As soon as reasonably practicable after sending the instrument of dissolution to the Financial Conduct Authority.
Restructuring of a company (s101)	As soon as reasonably practicable after the court order is made. Where s100A applies (where a tenant of Elderpark Housing will cease to be a tenant of Elderpark Housing) SHR must be notified within 28 days of the court order being made.
Conversion of a company into a registered society (s102)	As soon as reasonably practicable after sending the resolution to the registrar of companies.
Company voluntary arrangement under Part 1 of the Insolvency Act 1986 (s103)	As soon as reasonably practicable after the voluntary arrangement takes effect.
Voluntary winding up of a company under the Insolvency Act 1986 (s104)	As soon as reasonably practicable after sending the copy resolution to the registrar of companies.
Becoming a subsidiary of another body (s104A)	As soon as reasonably practicable after the arrangement takes effect, and no later than 28 days after it takes effect.
Disposals of land and assets (s109)	As soon as reasonable practicable (except where SHR has determined that notification is not required - see above) Where s107(4) applies (where a tenant of Elderpark Housing will cease to be a tenant of Elderpark Housing) SHR must be notified within 28 days of the disposal.
Notification of steps towards insolvency (s73)	Before taking the step and as soon as reasonably practicable after such step is taken.

Appendix 3 - Handling a serious complaint against the Chief Executive

Purpose

- 1 This note sets out what a Management Committee must do when dealing with a serious complaint or grievance against the Chief Executive.
- 2 The SHR requires that Elderpark Housing tell them when there is a **serious** complaint, investigation or disciplinary action relating to senior staff. These serious complaints do not arise often but because of their nature and sensitivity and potential impact on leadership arrangements, they have the potential to seriously damage Elderpark Housing. This note sets out what Elderpark Housing needs to do to ensure they can deal properly with this type of situation.

Notify SHR

- 3 Elderpark Housing should deal with and resolve minor issues informally, at a local level, and the SHR does not expect to be notified about minor grievances. Even serious complaints can be dealt with informally, but some serious complaints cannot be successfully resolved at the informal stage or if they are raised formally.
- 4 The Chairperson must notify the SHR if there is a formal **serious** complaint against the Chief Executive - for example serious allegations from an individual employee of bullying or harassment by the Chief Executive. The Chairperson must also tell the SHR how the Management Committee intends to handle the complaint.
- 5 The SHR recognises the highly sensitive nature of such serious complaints. If Elderpark Housing gives the SHR information in confidence they will respect that confidentiality, provided it does not compromise the SHR's ability to safeguard the overall interests of Elderpark Housing or the sector, or breach the SHR's legal obligations.
- 6 The SHR does not become involved in employment matters. Employment issues are for the Management Committee as employer to resolve with the individual employee. But the SHR does need to be assured that the Management Committee will handle a serious complaint or grievance about the Chief Executive properly and will get external advice and support to help it manage these situations and discharge its employment responsibilities fully and properly.
- 7 Elderpark Housing has effective governance systems that set out clear procedures for dealing with serious complaints or grievances about the Chief Executive and the role of the Management Committee (see Employers in Voluntary Housing Disciplinary and Grievance Procedures). Elderpark Housing will be open and transparent about decisions reached, subject to relevant procedures.

- 8 When dealing with a serious complaint or grievance about the Chief Executive, Elderpark Housing will:
- tell the SHR about it, in accordance this policy and the SHR's guidance on notifiable events; and
 - take prompt, independent and professional advice as appropriate to the individual complaint or grievance.

Take prompt, independent and professional advice

- 9 The SHR needs assurance from the Management Committee that it is seeking independent professional advice to support it to handle the complaint. In normal circumstances it is the Chief Executive who provides advice to the Management Committee. But where it is the Chief Executive who is the subject of the serious complaint or grievance, he/she has a clear conflict of interest and cannot be involved in any way in managing the complaint made against him/her. In cases like this the Management Committee must obtain external advice and support to manage the complaint.
- 10 The Management Committee needs to act quickly when a staff member raises a serious grievance about the Chief Executive. For instance, if the grievance is about bullying or aggressive behaviour then the Management Committee must take immediate action. Given the likely sensitive nature of the grievance it should be handled carefully with independent, expert support and advice. Elderpark Housing may need to get an employment/personnel specialist to assist or a consultant with expertise in investigating such matters. Elderpark Housing will ensure that its investigation of the complaint, and any subsequent action, complies with its legal duties, including in those in relation to equalities and human rights.
- 11 Where a serious complaint has been made against the Chief Executive by a Management Committee member or someone else who is not an employee, then the Management Committee must ensure that it is taking independent advice about how to handle the complaint and that the Chief Executive takes no part in any investigation other than co-operating with the investigator.
- 12 Initial independent advice should be sought from either or both of the sources listed below for ease of reference. These advisors may recommend the use of other professional advice where necessary, e.g. investigation services, public relations, etc.:
- TC Young Solicitors:
Mark Ewing, Partner

0141 221 5562

mee@tcyoung.co.uk

- Employers in Voluntary Housing:
Eamonn Connolly, Chief Executive

0141 352 7432

eamonn@evh.org.uk

Have clear procedures

- 13 This note will be used alongside the Employers in Voluntary Housing Disciplinary and Grievance Procedures when Elderpark Housing investigates serious complaints or grievances against the Chief Executive. This will ensure compliance with the requirements of the SHR.

The Management Committee's role

- 14 In the case of a serious complaint against the Chief Executive, Elderpark Housing's staffing sub-committee will be informed and involved, rather than the Chairperson dealing with the complaint alone. The staffing sub-committee will be involved in hearing and deciding on the grievance. But in some cases, it may be more appropriate to commission an independent party to conduct the investigation and report back to the staffing sub-committee. Where there is an investigation then the sub-committee must oversee the investigation and record all decisions to ensure transparency.
- 15 Where the decision is taken to investigate a serious complaint, then the full Management Committee will be informed. However, it will not be told any of the detail, this **must** be kept confidential. This is to ensure:
- the full Management Committee retains control over Elderpark Housing's affairs;
 - the details of the grievance remain confidential (the individuals at the centre of allegations have the right to confidentiality);
 - the full Management Committee knows the grievance is being dealt with by the staffing sub-committee;
 - if Elderpark Housing needs to bring in outside help, then the full Management Committee is aware of the situation from the outset and can authorise any associated costs;
 - the Management Committee can monitor if a pattern of grievances emerges and decide what action to take; and
 - by keeping the substance of the grievance confidential then there is a clean route for any appeal to be heard by other members of the Management Committee who are untainted by detailed knowledge about the issue.

- 16 At the end of the process, the full Management Committee should be told about the outcome of the grievance.

SHR involvement

- 17 If the SHR have concerns about the action the Management Committee is proposing to take, or it appears that the Chief Executive is involved in advising the Management Committee or in handling the grievance, the SHR may need to act to support the Management Committee to carry out its role effectively and properly.

Appendix Equality 4 – Equality Impact Assessment

Name of Policy to be assessed	Notifiable Events Policy	New policy or revision of existing?	Revision
Person(s) responsible for assessment		Vicky Ross, HR & Corporate Services Officer	
1. Briefly describe the aims, objectives and purpose of the policy.	This policy is based on guidance issued by the Scottish Housing regulator (SHR) and sets out the events that Elderpark Housing should tell the SHR about including any material, significant or exceptional issue, event or change within the organisation. It explains why the SHR has a regulatory interest in specific events, what they require Elderpark to notify them about and what they will do with the information we provide.		
2. Who is intended to benefit from the policy? (e.g applicants, tenants, staff, contractors)	Tenants, staff and contractors will benefit from this policy because Notifiable Event Reporting protects the interests or safety of tenants, people who are homeless and other service users, the financial health of Elderpark and supports the good governance and reputation of Elderpark as a community based RSL.		
3. What outcomes are wanted from this policy? (e.g the measurable changes or benefits to members/ tenants / staff)	Compliance with the Scottish Housing Regulator Requirements and the ongoing trust and confidence of those who use our services or who are connected to the services we provide to the community.		
4. Which groups could be affected by the policy? (note all that apply)			
Age	✓	Disability	✓
Gender reassignment	✓	Marriage and Civil Partnership	✓
Pregnancy and Maternity	✓	Race	✓
Religion or Belief	✓	Sex	✓
Sexual Orientation	✓		
5. If the policy is not relevant to any of the equality groups listed above, state why and end the process here.			
6. Have those affected by the policy / decision been involved?			
This policy has been adopted to ensure we remain compliant with the Scottish Housing Regulator and is based on their requirements of us as an RSL. No one has been consulted over this policy although it will be presented to our Management Committee for approval.			
7. Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.	Positive Impact(s)		Negative Impact(s)
8. What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)	No actions been identified either positive or negative but this will be reviewed and monitored and any negative impacts identified will be addressed and rectified.		
Signed:	<i>Vicky Ross</i>		
Dated:	21.06.23		

Appendix 5 - GDPR Impact Assessment

Name of Policy to be assessed	Notifiable Events Policy	New policy or revision of existing?	Revision
Person(s) responsible for assessment		Vicky Ross, HR & Corporate Services Officer	
Briefly describe the aims, objectives and purpose of the policy.	This policy is based on guidance issued by the Scottish Housing regulator (SHR) and sets out the events that Elderpark Housing should tell the SHR about including any material, significant or exceptional issue, event or change within the organisation. It explains why the SHR has a regulatory interest in specific events, what they require Elderpark to notify them about and what they will do with the information we provide.		
Which type of data will be used by implementation of this policy? (e.g. personal, sensitive or special category)	Personal data may be used in the implementation of this policy depending on the nature of the notifiable event and what is expected of us by the Scottish Housing Regulator. This may include names and/or addresses.		
What outcomes are wanted from this policy? (e.g. necessary to meet legal obligations)	The Scottish Housing Regulator sets out events that Registered Social Landlords (RSLs) must tell them about. This policy explains why there is an interest in these events, what we must notify about and what they will do with the information RSL's provide. This policy also sets out the roles and responsibilities of the CEO and Management Committee in notifying the SHR.		
Which groups could be affected by the policy? (note all that apply)			
Tenants	✓	Committee	✓
Employees	✓	Contractors	✓
If the policy is not relevant to any of the data groups listed above, state why and end the process here.			
Have those affected by the policy / decision been involved?			
This policy has been adopted to ensure we remain compliant with the Scottish Housing Regulator and is based on their requirements of us as an RSL. The CEO will present this policy to the Management Committee for comments before a final version is approved.			
Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.	Positive Impact(s)		Negative Impact(s)
What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)	No actions have been identified positive or negative at this time however any negative impacts identified will be reviewed and rectified if needed.		
Signed:	Vicky Ross		
Dated:	21.06.23		